

NOTICE:

**Proposed Rule Change for The Alabama State Board of
Prosthetists and Orthotists**

In accordance with recent amendments to its law, the Alabama State Board of Prosthetists and Orthotists has promulgated rules governing the licensure requirements for Therapeutic Shoe Fitters and Orthotic Fitters that will impact HME providers who provide diabetic shoes and/or inserts or fit certain orthoses. These rules have been published for comment as required under the Alabama Administrative Procedure Act. The Board has filed formal comments with the O & P Board in response to the rules and they are attached for your review. The O & P Board will continue to receive comments to the rules until October 7, 2013. As drafted, the rules require all persons providing services that now require a Therapeutic Shoe Fitter or Orthotic Fitter license to be licensed by January 1, 2014.

We will continue to monitor these rules as they work their way through the administrative process and advise you when the final rules are adopted by the O & P Board.

ALABAMA BOARD OF HOME MEDICAL EQUIPMENT SERVICES PROVIDERS

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September 24, 2013

Mr. Ronnie Ezell, Executive Director
Alabama State Board of Prosthetists and Orthotists
P.O. Box 1052
Montgomery, AL 36104

Re: Alabama Board of Home Medical Equipment Service Providers' Comments to Proposed Rules

Dear Mr. Ezell:

On behalf of the Alabama Board of Home Medical Equipment Services Providers (the "HME Board"), please accept these comments in response to the rules promulgated by the Alabama State Board of Prosthetists and Orthotists in Chapter 746-X-9 and 746-X-10 of the *Alabama Administrative Code*.

Chapter 746-X-9. Licensure of Therapeutic Shoe Fitters

1. Rule 746-X-9-.04 sets forth the requirements for a Therapeutic Shoe Fitter license and provides in 746-X-9-.04(2) that "The Board may approve other similar courses in addition to NCOPE," but does not provide any further clarifying information. The HME Board requests that the rule further define the criteria for approval of other courses and the procedure for submission of such materials for the Board's consideration. The HME Board also recommends that individuals who have been certified as Therapeutic Shoe Fitters by the American Board for Certification in Orthotics, Prosthetics & Pedorthics (the "ABC Board") or the Board of Certification/Accreditation, International (the "BOC Board"), should, upon submission of documentation verifying that they are certified and in good standing with one of these certifying agencies, be deemed to meet all of the requirements for licensure as a Therapeutic Shoe Fitter.

2. Rule 746-X-9-.04(3) provides, "Applicants must have documentation of 500 hours of Therapeutic Shoe Fitter experience obtained either before or after the fitter educational course. The 500 hours shall be audited for the purpose of verifying the training." The HME Board requests that the rule clarify what constitutes acceptable documentation of experience and the procedure for submission of such materials for the Board's consideration.

3. Rule 746-X-9-.05(1) states that two (2) of the seven (7) hours of continuing educational credit required for licensees each year must be in Alabama Law and Ethics. The HME Board requests that HME licensees be given credit for HME law and ethics courses.

4. Rule 746-X-9-.05(2) provides that "All continuing education courses shall be conducted by vendors in the business of supplying products to therapeutic shoe fitters, the Alabama Prosthetic and Orthotic Association, and other Board-approved educational organizations." The HME Board requests that BOC and ABC approved continuing educational courses for Therapeutic Shoe Fitters be included in the list of acceptable continuing education courses and that the rule clarify the procedure for submission of other coursework for the Board's approval.

5. Rule 746-X-9-.02(4) requires payment of an application fee of \$175.00 and a license fee of \$125.00. Rule 746-X-9-.06(2) requires payment of an annual renewal fee of \$125.00. The HME Board asks the Board to consider a reduction in the application and/or license fees for dual licensees, who have already been providing shoe fitting services.

6. Rule 746-X-9-.07(1) provides that "All therapeutic shoe fitters must become licensed by January 1, 2014." The earliest date upon which these rules will become effective is November 11, 2013. The HME Board thus respectfully submits that, in view of these questions, and to allow time for applicants to assimilate and provide documentation of their hours of experience, licensure should be required no earlier than March 1, 2014.

7. The HME Board respectfully requests that the rule address the Board's responsibility to ensure that the quality services provided by Therapeutic Shoe Fitters are readily accessible to consumers in all areas of the state.

Chapter 746-X-10. Licensure of Orthotic Fitters

1. Rule 746-X-10-.04 sets forth the requirements for an Orthotic Fitter license and provides in 746-X-10-.04(2) that "The Board may approve other similar courses in addition to NCOPE," but does not provide any further clarifying information. The HME Board requests that the rule further define the criteria for approval of other courses and the procedure for submission of such materials for the Board's consideration. The HME Board also recommends that individuals who have been certified as Orthotic Fitters by the ABC Board or the BOC Board, should, upon submission of documentation verifying that they are certified and in good standing with one of these certifying agencies, be deemed to meet all of the requirements for licensure as an Orthotic Fitter.

2. Rule 746-X-10-.04(3) provides, "Applicants must have documentation of 1000 hours of orthotic fitter experience obtained either before or after the fitter educational course. The 1000 hours shall be audited for the purpose of verifying the training." The HME Board requests that the rule clarify what constitutes acceptable documentation of experience and the procedure for submission of such materials for the Board's consideration.

3. Rule 746-X-10-.05(1) states that two (2) of the ten (10) hours of continuing educational credit required for licensees each year must be in Alabama Law and Ethics. The HME Board requests that HME licensees be given credit for HME law and ethics courses.

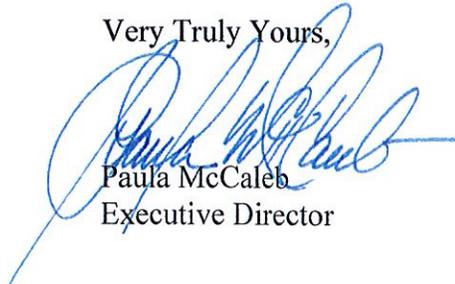
4. Rule 746-X-10-.05(2) provides that "All continuing education courses shall be conducted by vendors in the business of supplying products to orthotic fitters, the Alabama Prosthetic and Orthotic Association, and other Board-approved educational organizations." The HME Board requests that BOC and ABC approved continuing educational courses for Orthotic Fitters be included in the list of acceptable continuing education courses and that the rule clarify the procedure for submission of other coursework for the Board's approval.

5. Rule 746-X-10-.02(4) requires payment of an application fee of \$175.00 and a license fee of \$125.00. Rule 746-X-10-.06(2) requires payment of an annual renewal fee of \$125.00. The HME Board asks the Board to consider a reduction in the application and/or license fees for dual licensees, who have already been providing orthotic fitting services.

6. Rule 746-X-10-.07(1) provides that "All orthotic fitters must become licensed by January 1, 2014." The earliest date upon which these rules will become effective is November 11, 2013. The HME Board thus respectfully submits that, in view of these questions, and to allow time for applicants to assimilate and provide documentation of their hours of experience, licensure should be required no earlier than March 1, 2014.

Thank you for your consideration of these comments. Should you have any questions regarding this document, please let me know.

Very Truly Yours,



Paula McCaleb
Executive Director

cc: Dana H. Billingsley, Esq.